

EXHIBIT 47

[Part 1 of 2]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN TENNISON,

Petitioner,

v.

IVALEE HENRY

Respondent.

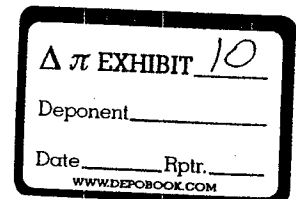
Case No. C 98-3842 CW

Judge: The Hon. Claudia Wilken

POLICE INTERVIEW WITH

CHANTE SMITH

JULY 24, 1992



KEKER & VAN NEST

POLICE INTERVIEW WITH CHANTE SMITH, JULY 24, 1992

1 POLICE INTERVIEW OF CHANTE SMITH, JULY 24, 1992

2 SANDERS: The time now is approximately 14:10 hours or 2:10
3 p.m. Uh, this is a, an interview being conducted in the
4 continuing, in the, a, uh, investigation of, uh, possible new
5 evidence in the homicide death of Roderick Shannon which
6 occurred on August 13, 1989 in San Francisco. San Francisco
7 Police Report No. 891-092-371. Presently speaking is Inspector
8 Prentice Sanders, of the Homicide Detail, one of the
9 investigators assigned to the original investigation.

10 SANDERS: I'm going to ask each of you here at the table to
11 identify yourself, and in light of the heavy background noise,
12 please anytime that you speak, speak very loudly.

13 Young lady, what is your name, please?

14 SMITH: Chante Smith.

15 SANDERS: Chante Smith. That's C-h-a-n-t-e, middle initial
16 G., last name Smith?

17 SMITH: Yes.

18 SANDERS: Okay. And, uh, Mr.-

19 BUTTERWORTH: George Butterworth, D.A.'s office.

20 SANDERS: Mr. Butterworth of the D.A.'s office.

21 BROWN: Ms. Brown, from the D.A.'s office.

22 SANDERS: Ms. Brown, from the D.A.'s office.

23 SIMI: Robert Simi, Public Defender's Office.

24 SANDERS: Robert Simi, Public Defender's Office.

25 BIACHI: Biachi.

26 SANDERS: Bachi Biachi from?

27 BIACHI: The Public Defender's office.

28 SANDERS: From the Public Defender's office.

1 ADACHI: Jeff Adachi, from the Public Defender's Office.

2 SANDERS: All right. Fine. All parties are identified. Uh, I
3 think what we will do, uh, ladies and gentlemen, I will let, I
4 will start out the questioning, uh, and I think, let her give
5 her statement, and then I will attempt to clarify, then each of
6 us in turn starting with the District Attorney, uh, uh, Mr.
7 Butterworth, uh, ask any, ask pertinent questions that we
8 will have, uh, any other parties who are, have interest in this
9 matter, ask questions.

10 Now, Miss Smith, it is my understanding that you have some
11 information regarding the death of a young man by the name of
12 Roderick Shannon, also known as a street name of "Coolie."

13 SMITH: Yes.

14 SANDERS: Now, Chante, I'd like you to keep your voice up
15 'cause you're gonna be competing with that jackhammer out there.

16 SMITH: Okay.

17 SANDERS: All right. Uh, this case was originally uh, uh,
18 investigated by me and Inspector Hendrix, and we know you. Is
19 that correct, Chante?

20 SMITH: Yes.

21 SANDERS: Okay. Tell us in your own, at least, uh, bring me
22 and certainly Mr. Butterworth, up to date on what you know about
23 the case of the death of, uh, Roderick Shannon.

24 SMITH: That, the death, the people that killed him, I
25 mean the people that you have in jail are the wrong people

26 SANDERS: How do you know that, and how did you come to have
27 that knowledge?

28 SMITH: Because... I was there when it happened.

1 SANDERS: You were there? Where was it when it happened?

2 SMITH: On Leland Street?

3 SANDERS: Whereabout? What's the cro-, Whereabout on Leland
4 Street?

5 SMITH: At a supermarket, I don't know the cross street.

6 SANDERS: Start from, uh, um, you know what date it was?
7 Well, I'll refresh your memory. It was August 13, 1989.

8 Start from sometime during the day of August 13, 1989, and
9 tell us how you came to come in contact and lead right on
10 through the time of the uh, of the uh, shooting.

11 SMITH: Well, I don't remember the earlier part of the
12 day, but normally every day, Luther Blue and myself were
13 together and he would pick up his friends sometimes and this
14 particular day, Mark Anthony and LaVinsta were with us, and, uh,
15 we pulled up at a store. It was already nighttime, and behind
16 us, a truck pulled up, and there was some people from Lakeview.
17 There was a car behind them, a rent-a-car, a blue rent a car,
18 dark colored rent-a-car, and another car. I
19 don't know what the other car was. But, they talked and they
20 came back to the car, and LaVinsta and Luther and Mark Anthony
21 talked and said that they wanted to go drink with them. They
22 were goin', in the store right then to go get alcohol, but they
23 were goin', go over to 7-11 and go get beer from there. So, I
24 told them that I would drop them off, and I didn't want to go,
25 but it was fine, I would take them. We went to 7-11, all the
26 cars, all four cars, went to 7-11. When they were in 7-11, I saw
27 someone that is real close to my family, he's like a
28 godbrother, my mother is his godmother, and his name is Troy

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1 Barnes. We talked, and someone was asking where was he from,
2 was he from Sunnydale, and I said "no." And I started telling
3 Troy that he had to hurry up and leave because they were
4 startin' to question him. I thought that they might put it
5 together that he was from Sunnydale, and at the time, Hunter's
6 Point and Sunnydale were feuding. And, so he left. He left in
7 uh, either a black or dark blue Skylark, but as he turned the
8 corner, another car came around like off [Ardale?] Street
9 turning on to Bayshore. And, it was a dark blue or black
10 Skylark, and when that car came around, uh, I was looking to see
11 if that was Troy, because it was the exact same kind of car that
12 Troy had just left in. And, it wasn't him, but then they were
13 pointing -- the people from Lakeview -- and they were going back
14 to their trucks and the cars and everything, to get - and they
15 chased him, the boy that was going, which turned out to be Cool,
16 Roderick. And, he went down and turned on Leland Street, and
17 they turned...

18 SANDERS: Which car were you in?

19 SMITH: I was in my car. In a blue Mustang.

20 SANDERS: You were in a blue Mustang?

21 SMITH: Yes.

22 SANDERS: And you, which position in the chase were you?

23 SMITH: The, uh, I was the last car. I was going to go to
24 make sure that that was not Troy... in that car.

25 SANDERS: Okay.

26 SMITH: And, as every, I mean, all the other cars are
27 gone, and LaVinsta had got into, uh, the truck with the other
28 people, but Mark Anthony, myself and Luther were in my car. And,

KEKER & VAN NEST

1 when I went down that street, I could see the car coming, well
2 the car that Roderick was in was going backwards, and it was
3 smokin', like the tires were smokin', and then uh to avoid, I
4 didn't, I...didn't know how he was driving, or you know I didn't
5 know if the car was gonna crash into something, so I like got
6 off that street, turned on another street, but when I came back
7 he was running. And, you can see plain that it was not Troy, so
8 I turned off that street, but Luther told me to go back, and
9 when I went back, then we didn't see him running anymore, but
10 you can see everybody in the corner over by the supermarket.
11 And, you can tell that obviously Coolie was on the ground, or
12 against the wall, whatever, getting beat up, but LaVinsta went
13 to the truck and got the shotgun and came back. Everybody backed
14 out of the way and he shot him. And, you heard him say it felt
15 good. I mean, that was, one down.

16 SANDERS: Okay. Let's see if we can get a little bit more
17 detail.

18 Number one: On this particular day, I know an incident
19 like this you would recall, earlier in the day, where did you
20 and Luther start out from? Where, number one: Where were you
21 living then?

22 SMITH: At my mother's house.

23 SANDERS: What address?

24 SMITH: 1450 Divisadero.

25 SANDERS: You were living at this same address?

26 SMITH: Yes.

27 SANDERS: Okay. And, uh, that day, when did you get together
28 with Luther and Anthony?

1 SMITH: Well, with Luther, as soon as I left my house, he
2 was staying at his cousin's house, he would either come up to my
3 house or he was around the corner, real close to my house.

4 SANDERS: Where was he living at that time?

5 SMITH: He was like off and on places, his, more or less
6 his clothes were at, his sister's house and West Point, but he
7 would come to my house or to uhm I don't know his cousin's
8 name, so-

9 SANDERS: You say he was right around the corner from 1450
10 Divis...?

11 SMITH: On Turk Street.

12 SANDERS: Aah, all right, so that's, yeah. All right. He,
13 what, who, whose house is on Turk Street?

14 SMITH: It's his cousin, but I don't know his cousin's
15 name. A Maurice I think is the first name.

16 SANDERS: You believe that his cousin's name is Maurice. And
17 he lives somewhere on Turk Street-

18 SMITH: Uh-huh.

19 SANDERS: -in the, right around the corner from Divisadero?

20 SMITH: It's Turk and Fillmore.

21 SANDERS: Oh, Turk and Fillmore. Okay. So, he lives near
22 Turk and Fillmore. Okay. And, ah, you think his name is Maurice?

23 SMITH: Right.

24 SANDERS: Okay. Do you recall roughly what time you got
25 together with Luther that day?

26 SMITH: No. It was earlier in the day time, because we
27 spent every day just about together.

28 SANDERS: Yeah, well, okay. How did you, are, when did you

1 get together with Mark Anthony?

2 SMITH: Later on in that afternoon. But Mark Anthony and
3 LaVinsta were with us.

4 SANDERS: When you say "with" you, what do you mean? I mean,
5 you guys came over the house-

6 SMITH: In the car.

7 SANDERS: You were driving around?

8 SMITH: In Hunter's Point.

9 SANDERS: Is that what you were doing?

10 SMITH: Right.

11 SANDERS: And you were driving in which car?

12 SMITH: In my Mustang.

13 SANDERS: What uh, what year Mustang was that?

14 SMITH: '83.

15 SANDERS: 1983. You still have it?

16 SMITH: Yes.

17 SANDERS: And what color is it?

18 SMITH: Blue.

19 SANDERS: And, uh, you were driving around in that car? Do
20 you know what time, if you left home, at lunchtime, mid-
21 afternoon? or in the-

22 SMITH: It was in the morningtime.

23 SANDERS: You left in the morning?

24 SMITH: Late morning.

25 SANDERS: And you just drove around for awhile? I mean you
26 drove around late morning until- See what I'm trying to get from
27 you Chante, is how you got from your house with your friends,
28 and then to the 7-11 store.

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1 SMITH: Because uh every day, it was like an everyday
2 thing. I didn't stay over around in Fillmore area during the day
3 because they had already known that I was around Luther. Luther
4 was from Hunter's Point. He was labeled as Hunter's Point
5 person. They had already started trouble with breaking my
6 windows out, and just like pretty much badgering us because I
7 was around a Hunter's Point person. So-

8 SANDERS: All right.

9 SMITH: ... every day I was over there.

10 SANDERS: Okay. So, in other words, you spent a day,
11 somewhat non-descript, just kind of moving around in your car,
12 with, uh, with Luther. Did Luther and, and, and Mark come
13 together or did Luther and Mark Anthony come together. You
14 understand what I mean? How did you, all three of you finally
15 hook up?

16 SMITH: All lot of them, all the time, most of, would most
17 of the time go to Oakdale Street. And, everybody pretty much
18 hangs out over there, or-

19 SANDERS: Was that where you picked them up?

20 SMITH: Yes.

21 SANDERS: That's where you picked them up, on Oakdale?

22 SMITH: Yes.

23 SANDERS: All right. And what time of day was it?

24 SMITH: It was the late afternoon, I'm not sure.

25 SANDERS: Late afternoon, okay. And, uh, where did you go
26 with, did you stand around on the street with them or did you go
27 cruising, you go to the skating rink, where did you go?

28 SMITH: For a while, we were just right there on Oakdale,

1 but how we met up with the people from Lakeview was because we
2 caught up at the store, on Third Street.

3 SANDERS: You pulled up at which store on Third Street?

4 SMITH: Third Street Liquor.

5 SANDERS: All right. That's at Third and Newcomb. Third
6 Street Liquors is at Third and Newcomb.

7 SMITH: Uh-huh.

8 SANDERS: That's to refresh your memory. I know where it is.
9 Third and Newcomb. So you pulled up at the Third Street Liquors
10 at Third and Newcomb. What time was it now?

11 SMITH: It was late, I mean it was the evening time, I
12 don't know.

13 SANDERS: Okay. Was it dark?

14 SMITH: Pretty late though.

15 SANDERS: Was it dark?

16 SMITH: Yeah, it was late.

17 SANDERS: Was it ... just gotten dark or was it well on into
18 night?

19 SMITH: It was ... late. It was well into the night.

20 SANDERS: What did you do at Third Street Liquor?

21 SMITH: I stayed in the car, and LaVinsta and Mark Anthony
22 went in the store. But, as they were going in the store, a truck
23 pulled up. And that was the truck from Lakeview.

24 SANDERS: The truck from Lakeview.

25 All right. What co., uh, let's talk about the truck from
26 Lakeview. How did you know the truck was from Lakeview?

27 SMITH: The truck itself might not have been from
28 Lakeview, but the people from, that were in the truck were from

1 Lakeview. I knew of the people because it's a group called "Ill
2 Mannered Posse" and they had their jackets on...

3 SANDERS: All right.

4 SMITH: And I knew one of the people.

5 SANDERS: All right, well, who was that?

6 SMITH: Coog Nut.

7 SANDERS: Right. Okay. And is that the Coog Nut, the rapper
8 kid?

9 SMITH: Yes.

10 SANDERS: He was in there, was he driving, or was he in the
11 back?

12 SMITH: He was in the back.

13 SANDERS: How many young, how many people were in the truck?

14 SMITH: There was a lot. There were people in the front
15 and in the back.

16 SANDERS: Okay. Give me, can you give me an rou-, estimate
17 of how many in cab, how many up in the back.

18 SMITH: Two or three were in the front, and maybe about
19 five, four people in the back.

20 SANDERS: Were they, uh, describe them, young men, young
21 women?

22 SMITH: Young men.

23 SANDERS: All young Black men?

24 SMITH: Yes.

25 SANDERS: And the only one you knew was Coog Nut.

26 SMITH: Right, I don't know-, I know one of them when I-,
27 I mean he's, they say that they're brothers, Coog Nut and the
28 other one, and I know 'em when I see 'em, but I don't know his

1 name, or I know his name when I hear it, but

2 SANDERS: All right. Now, what happened at the store. Did
3 they, uh, they pull up, you recog-, and was the only one you
4 recognized as the Ill Mannered Posse as being the late [Luke
5 Prow?, Coog Nut?]

6 SMITH: Right.

7 SANDERS: Is that right?

8 SMITH: Right.

9 SANDERS: Okay. And, uh, what happened then?

10 SMITH: Well, they were talking, Mark Anthony and LaVinsta
11 and the people that were in the truck and in the car, 'cause
12 there was a car pulled up, two cars pulled up behind the truck
13 also. And, they all got out. They were talking. They were asking
14 each other what they were doing, and what was up for the night,
15 and they said they were all going to go get alcohol and beer
16 and everything and drink. And they asked if they want to do it.
17 Then they came back, Luther and LaVinsta talked to Luth-, I mean
18 Mark Anthony and LaVinsta talked to Luther. And, they decided
19 that they were gonna go drink with them. And I said that I would
20 drop them off. And, they, I said, "I don't want to go so I'll
21 drop you guys off." There was no problem, yet, but we had to go
22 to 7-11 first.

23 SANDERS: Which 7-11?

24 SMITH: On Bayshore.

25 SANDERS: Oh, okay. Bayshore.

26 SMITH: Right. So they went over there and as they got out
27 that's when Troy Barnes pulled in.

28 SANDERS: All right. And Troy was driving a, uh, Skylark,

1 dark colored, black or blue.

2 SMITH: An old Skylark.

3 SANDERS: All right. And, uh, you talked to Troy? And, uh,
4 how long did your conversation last with Troy?

5 SMITH: It was only a few minutes because one of the
6 people that was there asked was he from Lakeview, I mean, excuse
7 me, from Sunnydale.

8 SANDERS: Do you know who that person was?

9 SMITH: No, I don't.

10 SANDERS: Was it someone in one of the cars? Or was it
11 someone in the truck?

12 SMITH: It was, they were all like, I don't know who they
13 were, I mean, there was people mixed around, and when they all
14 got out of the car and out of the truck, I couldn't tell you who
15 was in which car, I couldn't put that person with the car or
16 that person with the truck.

17 SANDERS: Well, then, okay then, uh, you said, Lovinsky,
18 LaVinsta and Luther knew them, they appeared to know them.

19 SMITH: Right.

20 SANDERS: Okay. All right. Now. They talked, and you, Troy
21 Barnes is there, you know Troy, he's close to you, so you don't
22 divulge that he is from Sunnydale.

23 SMITH: He, he, he is from Sunnydale.

24 SANDERS: I know he is, but you don't tell the people you're
25 around-

26 SMITH: Right.

27 SANDERS: ... that he's from Sunnydale.

28 SMITH: Right.

1 SANDERS: And you tell him to get out of there.

2 SMITH: Uh-huh.

3 SANDERS: Okay. Does he leave?

4 SMITH: Yes.

5 SANDERS: Leaves in the Skylark?

6 SMITH: Yes.

7 SANDERS: All right. What happens next?

8 SMITH: Another Skylark that was a darker color, it was
9 exactly like that one, came around the corner.

10 SANDERS: When you say a darker color, now, when you say
11 "darker color" are we talkin' blue, black-

12 SMITH: It was blue or black.

13 SANDERS: ... red: Okay. Was it blue, or was it, a solid
14 color all over?

15 SMITH: Yes.

16 SANDERS: And it's a Skylark?

17 SMITH: Yes.

18 SANDERS: And you know it to be a Skylark because it looks
19 like the one that Troy had.

20 SMITH: Right. And also because that, I mean, that was the
21 kind of car that..

22 SANDERS: That was the hot car.

23 SMITH: ... I liked

24 SANDERS: Right. I, I just want to get that from your
25 information. That was a Skylark, was the, the '68 Skylarks were
26 the hot car around that time.

27 Okay. So it was a car just like Troy's.

28 SMITH: Uh-huh.

1 SANDERS: And it was dark just like Troy's.

2 SMITH: Yes.

3 SANDERS: And, either blue or black.

4 SMITH: Right.

5 SANDERS: What happened next?

6 SMITH: The guys that were in the truck and in the cars
7 and everything started pointing and they were going after him.
8 They were gonna, they all jumped in their cars to go after him.
9 And-

10 SANDERS: Which way was that car traveling?
11 Was it on Third St-, on Bayshore, uh, travelin', or was it
12 on the cross street?

13 SMITH: It turned from Ardack to Bayshore.

14 SANDERS: All right. It turned where?

15 SMITH: From Ardack to Bayshore.

16 SANDERS: All right.

17 SMITH: And it went down Bayshore and made a right on
18 Leland.

19 SANDERS: All right, it went down Bayshore and made a right
20 on Leland, okay, uh...go ahead.

21 SMITH: And when the other cars went off, the truck and
22 the other two cars went, I wanted to make sure it was not Troy.

23 SANDERS: Okay. So you come out of the parking lot, you
24 would have had to turn which way.

25 SMITH: To my right.

26 SANDERS: Then you go down to Leland. And you turn right
27 again.

28 SMITH: Right.

1 SANDERS: The cars that are chasing this uh ... Skylark,
2 it's still in sight?

3 SMITH: Yes.

4 SANDERS: All right. Follow from that point on. What
5 happens. You're goin' up, now you're goin' up Leland, toward
6 McLaren park?

7 SMITH: Right.

8 SANDERS: Okay, now, tell us what happened after that.

9 SMITH: It didn't get that far. He was like, you can see
10 the car was smoking. He was coming backwards.

11 SANDERS: Who was coming backwards?

12 SMITH: Coolie. The car was going backwards.

13 SANDERS: Right. Now, you're coming, you go right, imme-,
14 when you turn, you come out of the 7-11, turn right, you go down
15 what? How many blocks?

16 SMITH: Two blocks.

17 SANDERS: Turn right, and you're coming up Leland now.

18 SMITH: Right.

19 SANDERS: And you're coming up Leland. When you get up,
20 where do you see the car going backwards?

21 SMITH: About maybe four or three blocks after, I mean,
22 off Bayshore.

23 SANDERS: Okay. And it's the Skylark, it's coming backwards.
24 Explain to us here, now, I, I, I'm, I feel the need to know too,
25 when you say it's going backwards, ah, what-

26 SMITH: It was in reverse.

27 SANDERS: It was in reverse. And it's going backwards. What
28 happens next?

1 SMITH: I turned off that street, I didn't want any, to
2 have any way of him hitting my car or one of the other cars
3 hitting my car. I turned off the street, but as I was turning
4 off, uh, what do ya call it, Luther wanted me to go back because
5 LaVinsta had got in the car with them, I mean in the truck,
6 with-

7 SANDERS: LaVinsta was in the truck.

8 SMITH: Right.

9 SANDERS: Okay.

10 SMITH: LaVinsta got in the truck with uh the other people
11 but Mark Anthony got out of the car. Mark Anthony got out of my
12 car, and when I turned-

13 SANDERS: Where did Mark Anthony go?

14 SMITH: He went over there with th-, he ran over there.
15 Because everybody-

16 SANDERS: I'm sorry. I'm sorry. Wait. I understand. I, I,
17 see, you trying, I'm trying to keep up with you now. You know
18 the story. I'm trying to learn. So you say Luther got out of
19 the, out of your, he stayed in with you.

20 SMITH: Luther stayed in the car.

21 SANDERS: All right. Mark Anthony got out.

22 SMITH: Yes.

23 SANDERS: Where'd he go? In the truck?

24 SMITH: No, he was out there because a lot of people
25 started getting out of their cars. That's, and at that time
26 also, when I turned around the corner, when I turned off that
27 street,

28 SANDERS: Yeah.

1 SMITH: Then, when we came back, there was no more, I
2 mean, well, you didn't see Coolie's car anymore. We didn't see
3 Coolie's car anymore. And, he was running down the street,
4 though.

5 SANDERS: Wait a minute. Let me see if I can reconcile where
6 everybody went. When they see the car, they all parked at this
7 second Skylark and anybody saying anything?

8 SMITH: They were saying, "He's from Sunnydale."

9 SANDERS: Did they say who it was?

10 SMITH: Nobody said. They were asking. Some people were
11 saying he is from Sunnydale, some were saying is he from
12 Sunnydale. But nobody said. And, that's what made me pretty much
13 worry.

14 SANDERS: No, nobody said anything about knowin-

15 SMITH: They didn't say his name.

16 SANDERS: They didn't say a name?

17 SMITH: No.

18 SANDERS: Okay. That's fine. They didn't say a name.
19 And, then, the car's going, they see it go, they all jump
20 in their vehicles. How many vehicles leave? The truck leaves?

21 SMITH: Right.

22 SANDERS: How many other cars?

23 SMITH: A rent-a-car. Well, it looks like a rent-a-car,
24 and another car, but I don't what kind of car that was-

25 SANDERS: So you got the truck in front, and at least two
26 other uh Sedan type cars behind it, is that right? You know,
27 regular cars.

28 SMITH: Right.

1 SANDERS: And then you, then you're the fourth car?

2 SMITH: Right.

3 SANDERS: All right. And then you joined the chase as the
4 last?

5 SMITH: Right.

6 SANDERS: Okay. Now, as you make the turn, as you come out
7 and make the turn, whose tail lights do you see? Do you see the
8 truck's tail lights? One of sedan-

9 SMITH: One of the sedans.

10 SANDERS: Where was the truck?

11 SMITH: The truck was the first car behind the Skylark.

12 SANDERS: The truck is the first car behind the Skylark. All
13 right, then from that point, and then the other two cars are
14 still in line and you're in line behind them?

15 SMITH: Yes.

16 SANDERS: All right. Now, from that point, go from that
17 point and tell us what happened.

18 SMITH: We were about maybe a block behind the last car.
19 And when I saw the car, the Skylark went backwards, I turned off
20 that street, because it was smokin' and it was like, he wasn't
21 going straight backwards, it was kind of swerving, and I didn't
22 want to have any other car hit my car. I turned off the street.
23 Luther and Mark Anthony wanted me to go back, but I said well
24 I'm gonna go over on this side and see if I could see LaVinsta
25 over there. We went around like turn maybe.... I don't know what
26 the name of the streets are over there, but it is maybe two
27 blocks, no I say about two to three blocks off of Bayshore I
28 turned and went around and came like down this way, but he was,

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1 Coolie was out of the car running, he was running toward what
2 street, I don't know the name of street, the corner of the
3 store.

4 SANDERS: All right. Which, which direction was, did you see
5 what happened to his car?

6 SMITH: No, when I turned off the street, when I was on
7 that street, on Leland street, he was in his car going
8 backwards, but when, by the time I came back around, he was out
9 of his car running.

10 So, I didn't see-

11 SANDERS: He was running.

12 SMITH: ... how he got out of his car

13 SANDERS: Did you see anybody on foot chasing?

14 SMITH: Yeah, they all got out of, not all of them, but
15 out of the three cars got, and truck, got out of the car to
16 chase him.

17 SANDERS: Where, now when you saw the car coming backwards,
18 where were the other cars?

19 SMITH: They were right there. Right, He was coming
20 backwards and they were right there at his car, and there was
21 gunshots, but I don't know who shot; if it was Coolie shooting
22 at them or them shooting at Coolie.

23 SANDERS: All right. So, I'm not quite clear, but, and I'm
24 trying to be. We have four cars lined up [paper shuffling].
25 Okay. Here's uh, say, this is Bayshore at Leland. This
26 is, uh. For the record, I'm drawing a small diagram. This is
27 Leland. Now you turned off of Bayshore. And this is Bayshore,
28 here. You turn off of Bayshore, and immediately you can see

KEKER & VAN NEST

1 the car coming backwards.

2 SMITH: No. When we were com-, I guess it was about two or
3 three blocks up.

4 SANDERS: All right.

5 SMITH: You can-, then you would see-, I saw smoke coming.
6 And you can see that he was going backwards.

7 SANDERS: Now he's coming backwards, and smoke is, smoke is
8 uh, you see smoke. Where is the truck, all right?

9 SMITH: He's coming at the truck. And at the uh cars.

10 SANDERS: So he's com-, so that you-view, all right, show me
11 what you mean. Say if this is the truck, make, say this is the
12 truck. Okay, that's truck, we'll mark that "T". All right, is
13 there a car, the other two cars still behind him?

14 SMITH: Yes.

15 SANDERS: All right. Let's mark this "C-1" for "car one",
16 and then we'll have another car here, then, car two, is that
17 there, still pretty well lined up that way?

18 SMITH: Yes.

19 SANDERS: All right. Then you have "car three", which is
20 behind "car two" which is "C-3". And, then this is your car.
21 You're somewhere back here?

22 SMITH: No, no, no. No. There's only a truck and two other
23 cars.

24 SANDERS: Okay. Well, let's, then C-3 would be your car?

25 SMITH: Right.

26 SANDERS: All right. This is Chante's car.

27 SMITH: But see we were like a ways back behind them-

28 SANDERS: You, you actual-, you're back here further.

1 SMITH: Right.

2 SANDERS: Okay. And, just a rough diagram here. You're back
3 away from it, so it's, they're actually three cars chasin' him
4 and your car. The truck, two cars and your car. And, you see
5 the, now this is Coolie's car, where would his car be, if
6 they're all in the-, these three are in the li-, these three
7 vehicles in line, where is Coolie's car coming backwards?

8 SMITH: He-, I can't tell you exactly where but he was
9 going forward and next thing I know there was smoke coming, and
10 he was going backwards. And, the cars were like swerving out of
11 the way.

12 SANDERS: All right.

13 SMITH: And, he was just coming like at the cars. And I
14 turned off on one of the streets, up that way.

15 SANDERS: So if this is Coolie's car here, the black
16 Skylark, uh and it's now going backwards, according, with
17 smoking coming backwards-

18 SMITH: Right.

19 SANDERS: ... into these cars, or toward these cars-

20 SMITH: Right.

21 SANDERS: Okay. Where do you make your maneuver? You make a
22 maneuver to turn off-

23 SMITH: To the right.

24 SANDERS: You turn right on whatever street is right in
25 here. Huh?

26 SMITH: Right.

27 SANDERS: You turn right here. Then, where do you go?

28 SMITH: We came, I guess maybe about two or three blocks

1 up, or around somewhere, but we came back around like by the
2 park, where umm. It's Cora street?

3 SANDERS: All right, Cora street. You came up by Cora
4 Street, and by a park?

5 SMITH: Right we came around, and that's where I saw
6 people. I mean you know I made eye contact, not eye contact, but
7 that's where I saw them out of their cars. Was when I was up
8 there and they were down by the store. And I was driving down,
9 and we can see uh see Coolie running on the street down by the
10 store. And I drove past and that's when Luther pointed at him
11 and said, "That's not uumm Troy; that's Coolie. I was locked up
12 with him."

13 SANDERS: All right. "That's not Troy. That's Coolie. I was
14 locked up with him." Where is-, at the store now, you are, is
15 this close to the store?

16 SMITH: Yes.

17 SANDERS: When he sees him and recognizes him?

18 SMITH: Yes. It was across the street from the store.

19 SANDERS: It's across the street from the store, had they
20 been, had they caught him yet?

21 SMITH: No. He was still running.

22 SANDERS: He's still running. Well, what do you do then?

23 SMITH: I had turned up that street. I was not just gonna
24 stay right there. I kept mentioning to Luther that soon enough
25 the police were gonna come. And, I did not want to be around
26 there. And he said we'll go back and get 'em, and I thought he
27 just meant Mark Anthony, but he meant uh LaVinsta and Mark
28 Anthony. We came back, and, Mark Anthony and LaVinsta and all

1 the oth-, and I'm not gonna say "all" cause there was a couple
2 people still left in their cars were over there in the
3 corner by the time I came back around the block, beating up-

4 SANDERS: All right. How many blocks did you go now? You're
5 here at the store. If you get-, let's go here and draw a diagram
6 of the corner. Now you say that, that's the store's on what
7 street?

8 SMITH: I just know Leland, umm, is one of the streets.
9 It's the next block over from Cora. I don't know the name of
10 the street.

11 SANDERS: All right, if I were to say Rutland, would that
12 make it any difference?

13 SMITH: Yeah. I think that is it.

14 SANDERS: All right, I've drawn on page-, on this sec-, I'm,
15 I'll page I'll mark number "2". I've drawn a rough diagram, and
16 let me see if we can put these streets in here. If this is uh,
17 this is, would this be Leland, or is this Leland? You
18 remember?

19 SMITH: Well, if you're going, I mean, how everybody was
20 drivin' at first, this would be Leland.

21 SANDERS: All right. All right. All right, this is Leland.
22 All right. All right, this is Leland Street, and let's say this
23 is traveling toward, toward uh McLaren Park. Would that be
24 correct?

25 SMITH: Yes.

26 SANDERS: Going up the hill, if you came straight up. Do you
27 remember which corner the store is on?

28 SMITH: Right here.

1 SANDERS: Which corner do you-

2 SMITH: uh-

3 SANDERS: All right, let's put down Rutland. This is Rutland
4 here. Okay. Okay, now, where would. And this is Rutland, this
5 is Rutland going towards Geneva this, and, and, this is goin',
6 toward Geneva this way. And, this is McLaren Park here, okay?
7 And, this will be Geneva here. Okay. Now, uh, on those
8 corners, on those four corners, what, which corner's the store?

9 SMITH: On the lower, left hand corner.

10 SANDERS: All right. Do you think the store is here?

11 SMITH: Yes.

12 SANDERS: All right. All right. Let's draw in a square on,
13 for the store. All right. Do you remember anything that's on any
14 of the other corners?

15 SMITH: Uh, umm, locksmith is right here.

16 SANDERS: A locksmith. You think it's a locksmith there?
17 Okay. Anything else?

18 SMITH: There's a bus stop over here. I don't know-

19 SANDERS: Bus stops on the corner?

20 SMITH: Uh-huh.

21 SANDERS: Okay. All right. So. Where-, now which street are
22 you on when you were able, when you see Luther run-, when, I
23 mean when you see Coolie running?

24 SMITH: We were coming this way.

25 SANDERS: All right. You're coming this way. And where's
26 Coolie running?

27 SMITH: On this side of the street. Running-

28 SANDERS: Coolie's running right here. Okay. This is Coolie,

1 and he's running which way?

2 SMITH: Down.

3 SANDERS: He's running this way. All right. All right. This
4 is Coolie running that way. What do you see next? Now, you're
5 behind him in a car here some place?

6 SMITH: No, we were mo-, it was almost to the corner when
7 we were going, and when I, soon as we saw him and Luther had
8 said that, we were already at the corner and I turned.

9 SANDERS: All right. Where was he? He was here, and then
10 you, you passed him?

11 SMITH: Right.

12 SANDERS: And then you came down this way, you came this
13 way, and you turned.

14 SMITH: Right.

15 SANDERS: Okay. Now, what do you do next? What happens next?

16 SMITH: I went up around and by the-, I mean, he was
17 sayin', "Go back. Go back."

18 SANDERS: Go back, Go back.

19 SMITH: And, we were, that's when, I was yellin', at him
20 sayin' I didn't want to be around when the police came, and that
21 I didn't want to have anything to do with all that, and then,
22 umm, I don't know how they got him from here to the-, in the
23 little alley thing that the, I don't know what you call it
24 but...

25 SANDERS: Okay.

26 SMITH: Where he was.

27 SANDERS: Was it uh, uh, in the, wa-, alley thing where it
28 was. All right. You come back around, Chante. What do you see?

1 Where do you stop your car?

2 SMITH: I pulled up.

3 SANDERS: Where do you stop your car? Where you can see?

4 SMITH: I pulled up behind here. I mean, when I came back
5 around, we ended coming down Rutland Street again, but all the
6 other cars were like, right he-, there's a way to come out of
7 the store, you know the exit of the store. They were pulled up
8 right here.

9 SANDERS: Right.

10 SMITH: And the truck was like the main one blocking the
11 uh entrance/exit thing.

12 SANDERS: Okay.

13 SMITH: And that's when everybody was like right here and
14 they were beating Coolie up. And, LaVinsta came to the truck and
15 got a shotgun and cam-

16 SANDERS: Well, where were you? Where was your car parked?
17 Did you get out?

18 SMITH: No. Luther and myself stayed

19 SANDERS: All right-

20 SMITH: ... in the car.

21 SANDERS: Put a, put a "X" where you say that, put a , "T",
22 where the truck was, and then put a "C" where your car was. Put
23 a "C" where your car was.

24 SMITH: During which time? I mean, because, it was const-,
25 it was like constantly moving, it only stayed still for a minute
26 when-

27 SANDERS: When you stayed driving? You were dri-, you were
28 still dri-

1 SMITH: Right. I didn't stay right there. So that's why I
2 only saw parts of it.

3 SANDERS: All right. Wait a minute now. Was it-, when you
4 first saw, when you first pulled up and you saw 'em over here,
5 uh, fighting-

6 SMITH: Right.

7 SANDERS: ... or beating him up, where did you first notice
8 that? Put "C-1" right there. Okay? That's "C-1". That's when you
9 first noticed that they got somebody over there in the store,
10 okay. Now, when, where do you, what do you move to next? Do you
11 keep rollin'?

12 SMITH: We came I think back up this way, but uh what's
13 his name Mark Anthony was standing over here, he was more or
14 less over here with them, but when LaVinsta went to go get the
15 shotgun, he, you could see him moved away from the-

16 SANDERS: Let's just concentrate on now where, wh-, where
17 you saw the truck. Now, there was a truck is there-

18 SMITH: The truck stayed there.

19 SANDERS: All right. The truck is parked. You're here.
20 That's when you first see where the truck is. You realize that
21 somethin' is going. Now where do you go? Do you roll down to
22 here, do you go around the corner, or you, or what? I'm trying
23 to figure out what you did next?

24 SMITH: Uh

25 [END OF SIDE ONE OF THE TAPE]

26 SANDERS: Today's date uh is still July 24, 1992. The tape
27 recorder was off about ten seconds while we turned the tape
28 over. Uh. Chante, tell me, now if the at the other side were

1 trying to determine where your car was after you, your first,
2 mark C-1, and then I'm trying to figure out where do you
3 remember next your car being? Was it here where you picked up
4 uh, uh, who did you pick up right here on the corner?

5 SMITH: Mark Anthony.

6 SANDERS: All right. You picked up Mark Anthony on the
7 corner. Did you go directly and pick him up or did you go
8 somewhere else?

9 SMITH: I don't remember if I turned over here or came
10 over here, but I know that we only saw for a few minutes them
11 beating him up, but then, so I had to-, came straight over here
12 because he walked straight to the truck

13 SANDERS: So your best recollection then mark, that is C-2.
14 All right, and you, that's where you, C-2 is where you pick up
15 Mark Anthony.

16 SMITH: Right.

17 SANDERS: Now. How many people in your car?

18 SMITH: Three.

19 SANDERS: You, driving.

20 SMITH: Right. And Luther in the passenger seat

21 SANDERS: Luther, the passenger seat.

22 SMITH: And Mark Anthony in the back.

23 SANDERS: All right. Now. Where do you go from there?

24 SMITH: We left.

25 SANDERS: You left immediately.

26 SMITH: Right, that was right after when, uh, LaVinsta had
27 shot Coolie.

28 SANDERS: All right. Now, let's get this. This is very, very

1 important. We need to know ... how, how many young, how many
2 young, how many people were over there all together, is your
3 best recollection. How many people were over here beatin',
4 beating up Shannon?

5 SMITH: The most, between ten to thirteen people. All of
6 them weren't beating him up though.

7 SANDERS: Were there, some of 'em were standin' around.

8 SMITH: They were all blocking to where you couldn't, from
9 where we were you couldn't see Roderick back there, but you knew
10 something was going on.

11 SANDERS: All right.

12 SMITH: You couldn't see exactly who was hitting or what,
13 but you saw LaVinsta walk away, go to the truck-

14 SANDERS: You immediately recognized LaVinsta as he came out
15 of the crowd?

16 SMITH: Yes.

17 SANDERS: Okay, did Luther recognize him, too?

18 SMITH: Yes.

19 SANDERS: Did he make a comment?

20 SMITH: No. But when he got the shotgun, he was, we were,
21 I mean, I asked what was he doin', and -- I didn't ask him - I
22 ah, I was talkin' to Luther about it.

23 SANDERS: What did Luther say?

24 SMITH: And, Luther wasn't sayin' anything. There was, it
25 was like all, everything was silent. And-

26 SANDERS: Okay.

27 SMITH: ... you can hear-

28 SANDERS: What part of-, when you saw him come out of the

1 crowd, the truck is parked blocking the driveway...

2 SMITH: Right.

3 SANDERS: ... and, did anyone else walk over there with him?

4 SMITH: No. Mark Anthony, like it's like havin' a herd
5 goin', one way and how sometimes you have the stray cat off, he
6 kinda just strayed along over to here, like over towards where
7 the car was.

8 SANDERS: All right.

9 SMITH: Over where my car was.

10 SANDERS: All right. Fine. Did you see where he got the
11 shotgun from?

12 SMITH: He walked to the passenger side of the truck.
13 That's the only thing I know.

14 SANDERS: He walked to the passenger side of the truck. Did
15 you see him open the door?

16 SMITH: No. I don-, I don't know if he got it out of the
17 back of the truck or in the pa-, I mean in the

18 SANDERS: All right.

19 SMITH: ... cab.

20 SANDERS: Now. Is the, when he walk-, how do you know he got
21 it, he got out of the passenger side? Which direction was the
22 truck facing?

23 SMITH: Towards Geneva Street.

24 SANDERS: All right. So the truck would've been facin', I'm
25 gonna put an arrow there by your "T". And, that'll be the, so
26 the truck's, is, is facing the same direction you're facing?

27 SMITH: Right.

28 SANDERS: So that puts the passenger side on the other side

1 of the truck?

2 SMITH: Right.

3 SANDERS: Okay. So you've got to look past Luther?

4 SMITH: Right, that's why I couldn't-

5 SANDERS: You looked past Luther?

6 SMITH: ... see.

7 SANDERS: Past the truck? Is this a regular pick-up, half-
8 ton pick-up truck?

9 SMITH: It's the older, the older model

10 SANDERS: Older model, but not real big, but regular size
11 truck?

12 SMITH: No. It's the big one with the big part around the
13 tires, the umm, the-

14 SANDERS: The fender?

15 SMITH: The-

16 SANDERS: The stepside?

17 SMITH: I think that's what it, mmm, the part over the
18 tire comes out.

19 SANDERS: Yea, that the stepside. All right. So you've got
20 your car parked next to, you pulled up next to the ... truck,
21 and you're picking up-

22 SMITH: No, we were up at the corner-

23 SANDERS: All right. You were at the corner.

24 SMITH: ... where there, it's, uh, uh, exit.

25 SANDERS: Oh, I see. So the truck was not between you and
26 them? You don't understand what I'm

27 SMITH: They're back here. okay.

28 SANDERS: Okay.

1 SMITH: The store-, here's the park-, there's a big
2 parking lot for the store, then there's the little side thing
3 over here where they were. We were more at the corner. The truck
4 was like-

5 SANDERS: Okay. The truck is...

6 SMITH: Down here. Right.

7 SANDERS: Okay. So you see him in other words-, well, that,
8 I'm glad you cleared that up. You see from this, you walk to the
9 truck?

10 SMITH: Right.

11 SANDERS: You know, you know, you know whether he opened the
12 door?

13 SMITH: No.

14 SANDERS: Or, he got-, what did he do, what did you see him
15 do next? Once he went to the truck?

16 SMITH: I didn't see what he was doin' at the truck, but
17 when he walked away, he had a shotgun in his hand.

18 SANDERS: When he walked away he had a shotgun in his hand.

19 SMITH: Right.

20 SANDERS: What happens next?

21 SMITH: Everybody from over here moved out of the way, and
22 it's like everybody just backed up. And, he shot him.

23 SANDERS: Okay. Did you see how he did it? He just hold it
24 here, or hold it to the shoulder?

25 SMITH: There was still a whole lot of people around. You
26 couldn't see that. But you heard the shots.

27 SANDERS: Okay. He shot him, okay. Uh, how many times did he
28 shoot him?

1 SMITH: I only heard the gun shot one time.

2 SANDERS: You only heard one time?

3 SMITH: Yep.

4 SANDERS: Okay, what did, happen next? I mean, what, what
5 did he do next? Did you see, I mean, here's a friend of yours-

6 SMITH: I said I was leavin' him, and uh at that time Mark
7 Anthony was already getting in the car. And, I took off. And he
8 was asking me why was I leavin' him. I said, "No, he's not
9 getting in my car after he just did what he did." And, we left.

10 SANDERS: After you left, where'd ya go?

11 SMITH: We went back over by, umm, the Hunter's Point
12 area, but the truck and the other cars ended up, up there by
13 the, the Sundial?

14 SANDERS: Yeah.

15 SMITH: And, they came up there. They were drinkin' their
16 alcohol and everything that they had just bought. And, Mark
17 Anthony, I mean not Mark Anthony, excuse me, because Lovinsky
18 had said that that was one down and it felt good, he was,
19 that's, that was their whole conversation.

20 SANDERS: Was that your-, was he talkin', to you or to
21 someone else?

22 SMITH: No. He was talkin' to them. He hadn't said
23 anything to me about it.

24 SANDERS: Were you in earshot? Were you close enough to hear
25 him?

26 SMITH: Yes.

27 SANDERS: Who was he talkin' to?

28 SMITH: He was talking to Luther, the guys from Lakeview-

1 SANDERS: I need to know the names of people that you know.
2 Now, Luther Blue. You definitely heard him-, Luther Blue was
3 there when he said, "Yeah, man, that's one down-"

4 SMITH: Yeah.

5 SANDERS: All right. Anybody else?

6 SMITH: Mark Anthony.

7 SANDERS: All right. Mark Anthony. And who else.

8 SMITH: Coog Nut was there, but I don't know the other
9 people's names.

10 SANDERS: What did, was Coog Nut in the group that could
11 hear?

12 SMITH: They were all right there.

13 SANDERS: Okay. That's fine. So Coog Nut. So that's at least
14 three, even though there may have been more. Where were you,
15 just...

16 SMITH: In the car.

17 SANDERS: How close were you?

18 SMITH: Maybe.... I don't know how far it is from the
19 sidewalk by the sundial to right there at the beginning of the
20 grass. They had put a box up there.

21 SANDERS: Yeah.

22 SMITH: And had all the alcohol and stuff sittin' there.
23 And-

24 SANDERS: So you're sittin' in the car. Who's in the car
25 with you?

26 SMITH: Luther was sitting in the passenger seat, still.

27 SANDERS: All right. He's still in the passenger seat.
28 Where's Mark Anthony?

1 SMITH: Right outside the car.

2 SANDERS: He's standing right outside. Where's Coog Nut?

3 SMITH: Maybe as far as here to the plant, maybe.

4 SANDERS: Okay, maybe seven, eight feet?

5 SMITH: Right.

6 SANDERS: And where is uh Lovinsky, while he's making this
7 announcement?

8 SMITH: A little, kinda by Coog Nut but a little bit
9 further. There were like a few people, though. There was people
10 still sitting there.

11 SANDERS: Did he say anything else, uh, like, other than,
12 that's one down, or, it felt good.

13 SMITH: That they were gonna have ten for two. They were
14 gonna get ten people from Sunnydale for the two people that died
15 in Hunter's Point.

16 SANDERS: Right. And, he was, he was saying all this?

17 SMITH: Right.

18 SANDERS: Okay. Now. Did you-. Let's talk about this truck.
19 The truck. It's an older model, big full size, American made
20 truck?

21 SMITH: Yes.

22 SANDERS: Okay, what color?

23 SMITH: Burgundy.

24 SANDERS: And it had, you say it had the fenders that came
25 out over the tires?

26 SMITH: Yes.

27 SANDERS: Okay, did it have anything el-. What other
28 features do you recall?

1 SMITH: The only thing I remember, it was either it was
2 new painting or it I mean it was really, it was a shiny truck
3 that it was kinda like round, at the, you know, where the top of
4 the cab is.

5 SANDERS: Yeah.

6 SMITH: It was not a square kind of a model. It was more,
7 everything on it was rounded.

8 SANDERS: Okay. And it was, it was-. When you say burgundy,
9 would that be somewhere close to my handkerchief?

10 SMITH: Yes.

11 SANDERS: For the record, I have a burgundy handkerchief, so
12 we'll be in the range of red with my handkerchief.

13 SMITH: Yes.

14 SANDERS: Okay. Had you even seen that truck before?

15 SMITH: Not before that day. No.

16 SANDERS: Have you seen it since.

17 SMITH: Only in pictures.

18 SANDERS: What pictures?

19 SMITH: The ones that, umm, the three guys came out to my
20 house and showed me. They brought the pictures, the-. I guess
21 they were, they were to help the case. I don't know what you
22 call them, but they were just pictures of the truck.

23 SANDERS: Do you remember who those guys were?

24 SMITH: The three guys that umm they said that they worked
25 for the...

26 SANDERS: Oh, for Gang Task Force?

27 SMITH: Yes.

28 SANDERS: Oh, okay. All right. Then you said that that truck

1 they had looked like it or was it?

2 SMITH: Yes.

3 SANDERS: You ever heard of, all of the time, now this three
4 years later, almost three years later to the day. Uh, did you
5 ever find out from Luther Blue, Coog Nut, Mark Anthony or any of
6 the other persons that you know, you kn-, you know most of the
7 guys in the street, is that correct?

8 SMITH: A lot of them. Yes.

9 SANDERS: All right. Did you ever talk to Lovinsky again
10 about what he had done?

11 SMITH: Yes.

12 SANDERS: When?

13 SMITH: It was like maybe a few days later, and he had
14 told someone named Sodapop what had happened. Sodapop came to
15 me, and said umm what he had heard, he had heard that I was
16 there, and I saw it. And I said, "I don't know what you're
17 talking about."

18 SANDERS: Now, who told Sodapop what happened?

19 SMITH: LaVinsta did.

20 SANDERS: He told Sodapop?

21 SMITH: Right. Because he said, "Well, Sod-, I mean,
22 LaVinsta already told." I said, "I don't know what you're
23 talking about. I didn't see-"

24 SANDERS: Now, this is, this is a few days after the
25 shooting?

26 SMITH: Maybe about a week.

27 SANDERS: About a week after the shooting.

28 SMITH: Yes.